

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

Docket No. 6173

As a below named inventor, I hereby declare that:

My residence, Mailing Address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PROCEDURE FOR THE PREPARATION OF MICROBIOLOGICAL ASSOCIATIONS

INTENDED TO STRENGTHEN THE MEDICINAL HERB'S THERAPEUTIC QUALITIES.

the specification of which is attached hereto unless the following box is checked:

[ ] was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Claimed
_____	_____	_____	Yes [ ] No [ ]
(Number)	(Country)	(Day/Month/Year Filed)	
_____	_____	_____	Yes [ ] No [ ]
(Number)	(Country)	(Day/Month/Year Filed)	
_____	_____	_____	Yes [ ] No [ ]
(Number)	(Country)	(Day/Month/Year Filed)	

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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

\_\_\_\_\_  
(Application No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status-patented, pending, abandoned)

\_\_\_\_\_  
(Application No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status-patented, pending, abandoned)

I (we) hereby appoint the following attorney with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

THEODORE A. BREINER, Reg. No. 32,103; MARY J. BREINER, Reg. No. 33,161; and JENNIFER A. PULSINELLI, Reg. No. 52,139.

Address all correspondence to -

BREINER & BREINER, L.L.C., 115 North Henry Street  
P.O. Box 19290, Alexandria, Virginia 22320-0290

Having Customer No. 006858

Address all telephone calls to -

\_\_\_\_\_ at (703) 684-6885

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full Name of Sole or First Inventor:  
(given name, family name)

HECTOR VARGAS-GARZA

Inventor's Signature Hisa

Date OCTOBER 20, 2003

Residence: MONTERREY, NUEVO LEON

Citizenship: MEXICAN

Mailing Address: RIO PAPALOAPAN #450 COL. MEXICO C.P. 64740  
MONTERREY, NUEVO LEON, MEXICO.  
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Full Name of Second Joint Inventor, if any  
(given name, family name)

Inventor's Signature

Date

Residence:

Citizenship:

Mailing Address:

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Full Name of Third Joint Inventor, if any  
(given name, family name)

Inventor's Signature

Date

Residence:

Citizenship:

Mailing Address:

[Rev. July 1996]

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9 (f) and 1.27 (b) - INDEPENDENT INVENTOR)**

Applicant or Patentee: HECTOR VARGAS-GARZA

Application or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

Title: PROCEDURE FOR THE PREPARATION OF MICROBIOLOGICAL ASSOCIATIONS INTENDED TO STRENGTHEN THE MEDICINAL HERB'S THERAPEUTIC QUALITIES.

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees to the United States Patent and Trademark Office described in-

☐ the specification filed herewith with title as listed above.

☒ the application identified above.

☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

☒ No such person, concern, or organization exists.

☐ Each such person, concern or organization is listed below:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fees or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

HECTOR VARGAS-GARZAHECTOR VARGAS-GARZA

(Signature of Inventor)

(Signature of Inventor)

(Signature of Inventor)

Date: OCT - 20 - 03

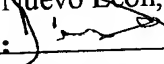
Date \_\_\_\_\_

Date \_\_\_\_\_

I, HECTOR VARGAS-GARZA, declare that I am a citizen of Mexico, and resident of Monterrey, Nuevo Leon, Mexico, that I verily believe to be the original, first and sole inventor of PROCEDURE FOR THE PREPARATION OF MICROBIOLOGICAL ASOCIATIONS INTENDED TO STRENGTHEN THE MEDICINAL HERB'S THERAPEUTIC QUALITIES described and claimed in the annexed specification, that I do not know and do not believe that he same was ever known or used before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to my application, or in public use or on sale in the United States more than one year prior to this application; that said invention has not been patented in any country foreign to the United States or on application filed by the my legal representatives or assigns more than twelve months prior to my application; and that no application for patent or said invention has been filed by me legal representatives or assigns in any country foreign to the United States except as follow: in Mexico on October 3, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor full name:

HECTOR VARGAS-GARZA  
Rio Papaloapan #450  
Col. México C.P. 64740  
Monterrey, Nuevo León, Mexico  
Signature:   
Date: OCTOBER 20, 2003